

The Corporation of the City of Burlington By-law
City of Burlington By-law 36-2025

A by-law to adopt Official Plan Amendment No. 6 to the Burlington Official Plan 2020 to add certain elements of the text of the Burlington Official Plan, 2020 to implement the delegation of authority to staff to pass minor Official Plan and Zoning By-law amendments under Sections 17 and 39.2 of the *Planning Act*, that are minor in nature and in accordance with the City's Delegated Authority By-law.
(LLS-35-25)

Whereas the Council of the Corporation of the City of Burlington in accordance with the provisions of Section 16 and 17 of the Planning Act, 1990, as amended, approved the recommendation in legislative services report LLS-35-25 at its meeting held on June 17, 2025.

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. That Amendment No. 6 to the Burlington Official Plan (2020) consisting of the attached amendment and supporting documentation is hereby adopted.
2. That this by-law shall come into full force and take effect of the final day of passing thereof.

Enacted and passed this 17th day of June, 2025

Mayor Marianne Meed Ward _____

City Clerk Samantha Yew _____

**OFFICIAL PLAN AMENDMENT
PROPOSED AMENDMENT NO. 6 TO THE OFFICIAL PLAN
OF THE BURLINGTON PLANNING AREA**

CONSTITUTIONAL STATEMENT

The Amendment contained in Part “B” of this document constitutes Amendment No. 6 to the Official Plan of the City of Burlington, 2020.

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of this Official Plan Amendment is to add certain elements of the text of the Burlington Official Plan, 2020 to implement the delegation of authority to staff to pass minor Official Plan and Zoning By-law amendments under Sections 17 and 39.2 of the *Planning Act*, that are minor in nature and in accordance with the City’s Delegated Authority By-law. The Official Plan Amendment will also add elements establishing alternative measures for providing public notice.

The effect of the proposed Amendment is to add policies to the *Burlington Official Plan, 2020* to:

- Establish in the Official Plan, policies relating to the delegation of authority to staff to pass minor Official Plan and Zoning By-law amendments under Sections 17 and 39.2 of the *Planning Act*, that are minor in nature and in accordance with the City’s Delegated Authority By-law;
- Permit notice for all Official Plan and Zoning By-law amendments to be given through publication on the *City’s* webpage, without notice being published in a newspaper, except where required by the *Planning Act*; and
- Establish alternative measures for informing and obtaining public opinion on minor amendments to the Zoning By-law where staff have received delegated authority.

SITE AND LOCATION

The proposed amendment applies City-wide across the entirety of the City of Burlington subject to the Burlington Official Plan, 2020.

2. BASIS FOR THE AMENDMENT

- a) The *Municipal Act* and *Planning Act* provides municipalities with flexibility in governing their affairs, including the authority to delegate powers and duties from Council to a committee or an individual. Generally, matters that are delegated include administrative and other matters which are minor or operational in nature.

- b) Bill 13, the Supporting People and Businesses Act, 2021, received royal assent December 2, 2021. Schedule 19 of the Bill made changes to the Planning Act that enables Council to, by bylaw, delegate the authority to pass by-laws under section 34 of the Planning Act (i.e. Zoning By-laws) that are of a minor nature to:
- A committee of Council; or
 - An individual who is an officer, employee or agent of the municipality
- c) The authority to pass by-laws under section 34 of the Planning Act is currently held exclusively by Council. To delegate authority to pass by-laws on these matters, the *Planning Act* requires that the Official Plan provide policies specifying the types of by-laws that may be delegated.
- d) The *Planning Act* provides that the delegation may be subject to conditions set out by Council, and that Council may withdraw this authority at any time if a final decision has not yet been made.
- e) An Official Plan can outline alternative measures to standard legislative requirements of the *Planning Act* and *Ontario Heritage Act* for engaging the public. These alternative measures are designed to ensure that the public is adequately informed, and their views are obtained, even when the standard legislative notice and public meeting requirements do not apply.
- f) The Statutory Public Meeting and final recommendation report about the Official Plan Amendment will be held on June 10, 2025.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

1.1 Text Change:

The amendment includes the changes to the text of the Burlington Official Plan, 2020 as described in the following table:

In the “Description of Change” column, text that is underlined is new text to be inserted into the Burlington Official Plan, 2020 by way of changes to the in-effect policies. Text that is crossed out (“~~strikethrough~~”) is to be deleted from the Plan.

Item No.	Section	Description of Change
1	Table of Contents: Implementation and Interpretation	Modify the Table of Contents: Implementation and Interpretation as follows: <u>12.1.22 Delegated Authority</u> <u>12.1.23 Alternative Measures</u>
2	12.1.22 Delegated Authority	Insert new Section 12.1.22 Delegated Authority

3	12.1.22 (1) Objectives	<p>Insert new Section 12.1.22(1) Objectives as follows:</p> <p>a) <u>To delegate to staff the authority to pass minor by-law amendments under Section 34 of the <i>Planning Act</i> that are of a minor nature, in accordance with Section 39.2 of the <i>Planning Act</i>, and the <i>City's Delegated Authority By-law</i>.</u></p>
4	12.1.22 (2) Policies	<p>Insert Section 12.1.22 (2) Policies as follows:</p> <p>a) <u>Delegation of authority to pass minor by-law amendments under Section 34 of the <i>Planning Act</i> shall be limited to:</u></p> <ul style="list-style-type: none"> (i) <u>a by-law to lift a Holding "H" Zone;</u> (ii) <u>a by-law to authorize temporary use of land, buildings, or structures in a defined area;</u> (iii) <u>a by-law for the purpose of housekeeping to ensure accuracy and clarity, and to assist in the consistent interpretation and application of the Zoning By-law;</u> (iv) <u>a by-law for any technical changes required to ensure accuracy and clarity, and to assist in the consistent interpretation and application of the Zoning by-law such as:</u> <ul style="list-style-type: none"> a. <u>altering the numbering, arrangement and cross-referencing of Zoning regulations;</u> b. <u>correcting clerical, grammatical and spelling errors;</u> c. <u>updates to address references;</u> d. <u>adding technical information to maps or schedules; and/or</u> e. <u>changing format or presentation</u> (v) <u>a by-law to permit amendments to a zoning regulation (not including the permission for land uses otherwise not permitted or changes in the Zoning designation) where no objections are received during the commenting period setout in Subsection 12.1.23(2)(b)(ii) and the</u>

		<p><u>proposed by-law amendments are consistent with the applicable policies of the Official Plan. In the event that any objections are received during the commenting period, staff shall report to the Committee of the Whole with a recommendation regarding the proposed by-law amendment.</u></p> <p>b) <u>Delegation of authority to make technical changes to the Official Plan without a plan amendment for:</u></p> <p>(i) <u>altering the numbering, arrangement and cross-referencing of provisions in this Plan;</u></p> <p>(ii) <u>correcting clerical, grammatical, and spelling errors;</u></p> <p>(iii) <u>updates to address references;</u></p> <p>(iv) <u>adding technical information to maps or schedules; and/or</u></p> <p>(v) <u>changing format or presentation.</u></p>
5	12.1.23 Alternative Measures	Insert new Section 12.1.23 Alternative Measures
6	12.1.23(1) - Objectives	<p>Insert new Section 12.1.23 – Objectives as follows:</p> <p>a) <u>To establish alternative measures used for informing and obtaining the views of the public for all notifications required by the <i>Planning Act</i> and <i>Ontario Heritage Act</i>.</u></p>
7	12.1.23(2) – Policies	<p>Insert new Section 12.1.23(2) – Policies as follows:</p> <p>a) <u>Notice of all planning and all heritage matters otherwise required by the <i>Planning Act</i> and the <i>Ontario Heritage Act</i> to be given through publication in a newspaper, shall be given through publication on the <i>City’s</i> webpage and will not be published in a newspaper. In all other respects, the standard notice provisions of the <i>Planning Act</i> and <i>Ontario Heritage Act</i> shall apply.</u></p> <p>b) <u>The <i>City</i> shall use the following alternative measures for minor by-law</u></p>

		<p><u>amendments as referred to in subsection 12.1.22(2)a):</u></p> <ul style="list-style-type: none">i. <u>Notice of a proposed minor by-law amendment will be provided in accordance with subsection 12.1.23(2)a):</u>ii. <u>A commenting period of not less than 20 days shall be applied to a proposal for a minor by-law amendment;</u>iii. <u>All submissions made in writing from the public will be considered when making a decision regarding a minor by-law amendment; and</u>iv. <u>A statutory public meeting will not be required prior to the approval of a minor by-law amendment.</u>
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